

Richard E. Leff, Esq. (RL-2123)  
McGIVNEY & KLUGER, P.C.  
80 Broad Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
(212) 509-3456

Attorneys for Defendant:  
DISTRICT COUNCIL 37 BENEFITS FUNDS TRUST  
i/s/h/a 37 BENEFITS FUND TRUST

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X 21 MC 102 (AKH)

VICTOR TOLEDO (AND WIFE, DILIA  
CANAR),

Index No.: 08-CV-2723

Plaintiff(s),

**NOTICE OF ADOPTION OF ANSWER  
TO MASTER COMPLAINT**

-against-

**ELECTRONICALLY FILED**

120 BROADWAY CONDOMINIUM (CONDO  
#871), *et al.*,

Defendant(s).

-----X

PLEASE TAKE NOTICE that Defendant, DISTRICT COUNCIL 37 BENEFITS FUNDS TRUST i/s/h/a 37 BENEFITS FUND TRUST, by its attorneys, McGIVNEY & KLUGER, P.C., as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off Complaint) Related to the Master Complaint filed in the above-referenced action, hereby adopts its Answer to Master Complaint dated August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

WHEREFORE, the defendant, DISTRICT COUNCIL 37 BENEFITS FUNDS TRUST i/s/h/a 37 BENEFITS FUND TRUST, demands judgment dismissing the above-captioned action as against it,

together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
June 20, 2008

Yours etc.,

McGIVNEY & KLUGER, P.C.  
Attorneys for Defendant  
DISTRICT COUNCIL 37 BENEFITS FUNDS  
TRUST i/s/h/a 37 BENEFITS FUND TRUST

By: 

Richard E. Leff (RL-2123)  
80 Broad Street, 23<sup>rd</sup> Floor  
New York, New York 10004  
(212) 509-3456

TO: WORBY GRONER & NAPOLI BERN, LLP  
Plaintiffs Liaison  
In Re Lower Manhattan Disaster Site  
Litigation  
115 Broadway, 12th Floor  
New York, New York 10006  
(212) 267-3700

All Defense Counsel